

10-11-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
Stephen C. Wardlaw)
for : APPARATUS AND METHOD FOR)
ANALYZING BIOLOGIC FLUIDS)
Serial No: 09/981,581)
Filed On: October 17, 2001)
Examiner: Brian J. Sines
Group Art Unit 1743
Docket No.: 7564-0004-1
(formerly 5169-04-1)

Hartford, Connecticut, 10 June 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Dear Sir:

The owners, Stephen C. Wardlaw, Robert A. Levine, and Wardlaw Partners LP, of one hundred percent (100%) interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal

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Application No. 09/981,581
Dated 06/10/2004

disclaimer, of:

United States Patent Application Serial No.10/023405

filed on December 14, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a Reexamination Certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below:

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the

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validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

Applicant encloses herewith a check in the amount of \$55.00 to cover the fee pursuant to 37 CFR 1.20(d). In the event additional an additional fee is required, authorization is hereby given to charge Deposit Account No. 13-0235.

Respectfully submitted,

By: Richard D. Getz

Richard D. Getz
Registration No. 36,147
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
860-549-5290